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3 UNITED STATES DISTRICT COURT
4 DISTRICT OF NEVADA

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6 COUNTER WRAPS INTERNATIONAL,
7 INC.,

8 Plaintiff,

9 v.

10 DIAGEO NORTH AMERICA, INC., et al.,

11 Defendants.
12

Case No. 2:16-cv-02924-JCM-CWH

ORDER

13 Presently before the court is defendants Diageo North America Inc. and Diageo Americas
14 Inc.'s Motion to File Under Seal Exhibits in Support of Their Motion for Summary Judgment
15 (ECF No. 38), filed on June 8, 2018. Defendants request that various exhibits in support of their
16 motion for summary judgment be filed under seal because they are subject to a protective order in
17 this case. Plaintiff does not oppose the motion.

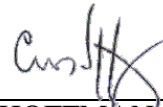
18 Generally, the public has a right to inspect and copy judicial records. *Kamakana v. City &*
19 *Cnty. of Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006). Such records are presumptively publicly
20 accessible. *Id.* Consequently, a party seeking to seal a judicial record "bears the burden of
21 overcoming this strong presumption." *Id.* In the case of dispositive motions, the party seeking to
22 seal the record "must articulate compelling reasons supported by specific factual findings that
23 outweigh the general history of access and the public policies favoring disclosure, such as the
24 public interest in understanding the judicial process." *Id.* at 1178-79 (alteration and internal
25 quotation marks and citations omitted). Among the compelling reasons which may justify sealing
26 a record are "when such court files might have become a vehicle for improper purposes, such as
27 the use of records to gratify private spite, promote public scandal, circulate libelous statements, or
28 release trade secrets." *Id.* at 1179 (quotation omitted). However, avoiding a litigant's

1 “embarrassment, incrimination, or exposure to further litigation will not, without more, compel
2 the court to seal its records.” *Id.*

3 In this case, while discovery may have proceeded pursuant to a protective order,
4 defendants are now asking to seal documents related to a case-dispositive motion. Given that
5 defendants do not articulate compelling reasons to do so, the court will deny their motion to seal
6 without prejudice.

7 IT IS THEREFORE ORDERED defendants Diageo North America Inc. and Diageo
8 Americas Inc.’s Motion to File Under Seal Exhibits in Support of Their Motion for Summary
9 Judgment (ECF No. 38) is DENIED without prejudice. If defendants renew their motion, it must
10 comply with LR IA 10-5.

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12 DATED: July 19, 2018

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15 C.W. HOFFMAN, JR.
16 UNITED STATES MAGISTRATE JUDGE
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